APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,583	10/06/2000	Mike G. Gyde	H0001641	1855

7590   03/28/2003

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EXAMINER
NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/680,583	GYDE ET AL.
	Examiner	**Art Unit**	
	Nhon (Gary) D Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 October 2000</u> .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37

    CFR 1.67(a) identifying this application by application number and filing date is

    required. See MPEP §§ 602.01 and 602.02.

    The oath or declaration is defective because: Need to check and fill out the priority

    session for the claimed Application Serial No. 60/233,825.

Specification

2. The disclosure is objected to because of the following informalities: Need to fill out

    serial number on page 7, line 20.

    Appropriate correction is required.

Claim Objections

3. Claim 10 is objected to because of the following informalities: "an particular task" should

    be changed to --a particular task--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

    The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
    subject matter which the applicant regards as his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the

subject matter which applicant(s) regard as their invention. Evidence that claim 11 fail(s)

to correspond in scope with that which applicant(s) regard as the invention can be found

in Paper No. 09/680583 filed 10/06/2000. In that paper, applicant has stated that a page

layout is restored at the end of a checklist process (fig. 5 and fig. 7), and this statement

indicates that the invention is different from what is defined in the claim(s) because the

page layout is not restored prior to proceeding to the next task on the task list.

6. Claims 1-6, 8, 9, 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Claim 1, lines 5 and 6, line 5 says "checklists" and line 6 says "a checklist" but there is

no relationship between the two, i.e. "one of the checklists".

Claim 8 recites the limitation "said listing". There is insufficient antecedent basis for this

limitation in the claim.

Claim 11 recites the limitation "the existing page". There is insufficient antecedent basis

for this limitation in the claim.

There is a great deal of confusing and inconsistency, compared to the spec, between

claims 8-11. Phrases "new window", "exiting window", "appropriate window" of claim8, "frame

layout" of claim 9, "an existing window" of claim 10, and "an existing frame" of claim 11 are

very confused. The examiner liberally interprets these claims by his understanding. However,

appropriate corrections are required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartel et

al ("Hartel", US 5,454,074).

As per independent claim 1, Hartel teaches a method of window management for a checklist

containing a plurality of tasks, said method comprising:

starting the checklist process; storing the layout of the frames on the display from which the

checklist function is selected (col. 19, lines 35-55);

displaying available checklists (*72* and *80* of fig. 4);

selecting a checklist comprising at least one task (col. 14, lines 46-54); and

opening a window containing various information related to said selected checklist

(*BEFORE START* checklist of fig. 2).

As per claim 2, which is dependent on claim 1, Hartel teaches the window comprises a

synoptic frame including a synoptic page (fig. 2).

As per claims 5 and 6, which are both dependent on claim 1, according to Hartel's system,

window of fig. 2 is a FMS frame and a navigational frame.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
manner in which the invention was made.

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartel in

view of Briffe et al ("Briffe", 6,038,498).

As per claim 3, which is dependent on claim 2, Hartel teaches:

displaying the tasks of said checklist (*36-1* to *36-12* of fig. 2);

highlighting the first task of said checklist (*36-1* of fig. 2 is highlighted);

Hartel does not disclose displaying an appropriate synoptic page in said synoptic frame

based upon said task. However, Briffe discloses that when selecting on the main menu of a

plurality of tasks (*122* of fig. 9), the system displays an appropriate synoptic page in the frame

based upon selected task (fig. 10-24). It would have been obvious to an artisan at the time of the

invention to use the teaching from Briffe of displaying an appropriate synoptic page in said

synoptic frame based upon said task in Hartel's method since it would improve the checklist

system by giving more detailed descriptions about selected task.

As per claim 4, which is dependent on claim 3, according to Hartel's system, repeating said

highlighting and synoptic page displaying steps for each task in said checklist is inherent; and

Hartel teaches restoring the stored frame layout (col. 19, lines 35-55).

11. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartel in

view of Netscape Communicator ("Netscape") and further in view of Southgate (US

5,561,757).

As per independent claims 8 and claim 10, which is dependent on claim 8, Hartel teaches a

method of window management for a checklist containing a plurality of tasks, said method

comprising:

displaying a task of the checklist (*36-1* to *36-12* of fig. 2);

Hartel does not disclose determining that a new frame is necessary for said task,

determining that a new page within an existing frame is needed for a particular task, and

displaying said new page. However, according to Netscape, when the user selects on each task of

the list menu bar, the Netscape has to decide whether to display a new frame. For example, if the

user selects on tasks 1, 2, or 3 of fig. 1, Netscape has to decide a new frame is needed, which is

in this case it displays frames between fig. 1, fig. 2, and fig. 3. However, if the user selects on

task 4 of fig. 1, there is no new window presented. It would have been obvious to an artisan at

the time of the invention to use the teaching from Netscape of determining that a new window is

necessary for the task in Hartel's method since the system would not have to waste time to

display an unnecessary new window;

storing the layout of the display in memory (col. 19, lines 35-55);

modified Hartel does not teach reducing the size of the existing window, and displaying the

appropriate window. However, Southgate teaches that in col. 3, lines 33-45 and in col. 8, lines

14-27. It would have been obvious to an artisan at the time of the invention to use the teaching

from Southgate of reducing the size of the existing window, and displaying the appropriate

window in modified Hartel since it would fit more windows in the same display area;

It is inherit in modified Hartel's system to repeat the listing and determining steps for the

next task in the checklist; and repeating said displaying and determining steps until the end of the

checklist is reached.

As per independent claim7, Hartel teaches a method of window management for a checklist

containing a plurality of tasks, said method comprising:

Displaying a task of the checklist (*36-1* to *36-12* of fig. 2);

Hartel does not disclose determining that a new frame is unnecessary for said task.

However, according to Netscape, when the user selects on each task of the list menu bar, the

Netscape has to decide whether to display a new frame. For example, if the user selects on tasks

1, 2, or 3 of fig. 1, Netscape has to decide whether a new frame is needed, which is in this case it

displays frames between fig. 1, fig. 2, and fig. 3. However, if the user selects on task 4 of fig. 1,

there is no new window presented because it is unnecessary. It would have been obvious to an

artisan at the time of the invention to use the teaching from Netscape of determining that a new

window is unnecessary for the task in Hartel's method since the system would not have to waste

time to display an unnecessary new window;

Repeating said displaying and determining steps until the end of the checklist is reached is

inherent in Hartel's system.

As per claim 9, which is dependent on claim 8, Hartel teaches:

determining that the end of the checklist has been reached (col. 5, lines 43-47);

determining that a frame layout is stored in memory; and restoring said stored frame layout

(col. 19, lines 35-55).

As per claim 11, which is dependent on claim 10, Hartel does not disclose storing the

existing page layout within the existing frame prior to said new page displaying step, and

restoring said stored page layout after the end of the checklist has been reached. According to

Netscape browser as previously discussed on claims 8 and 10, existing page layout (e.g. fig. 1) is

stored prior to a new page is displayed (e.g. fig. 2), therefore we can always restore the existing

page layout. It would have been obvious to an artisan at the time of the invention to use the

teaching from Netscape of storing the existing page layout within the existing frame prior to said

new page displaying step and restoring said stored page layout after the end of the checklist has

been reached in Hartel's method since it would give the user a chance to get back to the original

page after completing all the tasks.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US 6262720 to Jeffrey, Gary S. et al. dislcloses electronic checklist system with checklist

inhibiting.

US 5475594 to Oder, Engin et al. dislcloses method and device for assisting the piloting

of an aircraft from a voluminous set of memory-stored documents.

Inquires

13. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-

305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kistine L Kincaid can be reached on 703-308-0640. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen
March 24, 2003

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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